IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WA.No. 1791 of 2001()

AGAINST THE JUDGEMENT/ORDER IN OP.31019/1999
.....

APPELLANTS:RESONDENTS
----

1. UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, NEW DELHI.

2. THE PAY AND ACCOUNTS OFFICER, CENTRAL PENSION ACCOUNTING OFFICE, MINISTRY OF FINANCE, GOVERNMENT OF INDIA, NEW DELHI 110066.

3. THE DIRECTOR GENERAL, BORDER SECURITY FORCE, DIRECTORATE GENERAL, BSF HEAD QUARTERS, BLOCK NO.1,C.G.O.COMPLEX.

BY ADV. SRI.A.N.KUTTAN, ADDL.CGSC
SRI.V.V.SURESH, ADDL.CGSC

RESPONDENT:PETITIONER.

E.V.RAJENDRAN, S/O.K.P.PADMANABHAN, KOSHUNDHUMAL HOUSE, VELLOOR P.O, VIA PAYYANNUR, KANNUR, KERALA.

BY ADV. SRI.P.J.JOSEPH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 22/06/2007, ALONG WITH WA NO. 2466 OF 2001 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

==========

W.A. NOs. 1791 & 2466 OF 2001

==========

Dated this the 22nd day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Issues raised in these two appeals are covered by the judgment of the Supreme Court in Civil Appeal No.700 of 2005 and connected cases. Respondents mainly relied on the judgment of the apex court in **Raghu Nandan lal Chaudhary and others v. Union of India** reported in **(1988 (2) SCC 406)**. which the apex court has opined is not being properly applied by various High Courts. Rule which governs the issue is Rule 48 of Central Civil Services Pension Rules. Vires of the Rule has not been challenged by the respondents. If Rule 48 applies, respondents will have no case. Under such circumstances, both the writ appeals are allowed and we declare that the parties would be governed by the order passed by the apex court in Civil Appeal No.700 of 2005 and connected cases.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp